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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,091	10/20/2003	Yuan-Chi Chang	YOR920030385US1 (8728-644)	3809
46/6/9 7590 12/14/2009 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797				
EXAMINER				
HARPER, LEON JONATHAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/689,091	Applicant(s) CHANG, YUAN-CHI
Examiner LEON HARPER	Art Unit 2166

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 4-8, 11-15, 18-19, 22-28, 30-32, 34-36, and 38-39.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166

continuation of #11 Applicant's arguments are not persuasive In response to applicant's argument that Cavanaugh does not teach or suggest "generating automatically, by the processor, a database table within the persistent storage structure to store the object instance data" (emphasis added) as claimed in Claims 1 and 38 and essentially as claimed in Claims 15 and 26. Consider that the system of Cavanaugh includes three groups of classes: a first group defining persistent objects and methods for implementing persistence (224); a second group defining a persistence data storage mechanism (225); and a third group defining a data store (226) into which persistence is written and retrieved (see col. 9, lines 45-50 and FIG. 2). Thus, in Cavanaugh, persistent data is stored in the third group of classes, the data store (226) (see also col. 10, lines 34-35). As shown in FIG. 2, the data store (226) does not comprise a database table for storing persistent object instance data. Indeed, the only database tables taught by Cavanaugh are m-tables. These m-tables are not located in the data store (226). Further, these m-tables are used to store code which may be used for marshaling data and unmarshaling results (see col. 11, lines 10-17); the m-tables are not used to store object instance data.

Examiner responds that Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case the claim limitation question reads generating automatically, by the processor, a database table within the persistent storage structure to store the object instance data Storing object instance data means storing the object attributes and associated methods. Cavanaugh stores this information in a data store on the persistent storage medium (See column 8 lines 55-63)

In response to applicant's argument that Referring to Claim 26; Claim 26 claims, inter alia, "wherein the persistent storage structure is automatically configured to comprise: a persistence module and a storage mapping module for automatically generating a database table within the persistent storage structure for storing object instance data" (emphasis added). In the rejection of Claim 26, the Examiner states that Claim 26 is a system claim corresponding to the method of Claim 1 and is thus rejected for the same reasons as set forth in the rejection of Claim 1 (see page 7 of the Final Office Action). Applicants respectfully submit that implementing a persistence module and a storage mapping module to automatically generate a database table within the persistent storage structure for storing object instance data, essentially as claimed in Claim 26, is not considered in the rejection and is not taught or suggested by either Cavanaugh or Bannon. Indeed, as discussed above, neither reference discloses generating a database table within a persistent storage structure for storing object instance data, let alone utilizing a persistence module and a storage mapping module for generating the database table. Thus, the combination of Cavanaugh and Bannon fails to teach or suggest all of the limitations of Claim 26, examiner submits that Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case the claim limitation question reads generating automatically, by the processor, a database table within the persistent storage structure to store the object instance data Storing object instance data means storing the object attributes and associated methods. Cavanaugh stores this information in a data store on the persistent storage medium (See column 8 lines 55-63)

In response to applicants argument that Claim 1 further claims, inter alia, "generating automatically, by the processor, an interface within the persistent storage structure, wherein the interface comprises access object classes that are generated automatically by the processor to enable management of object instance data in the persistent storage structure." Claim 15 further claims, inter alia, "generating automatically an interface within the persistent storage structure, wherein the interface comprises access object classes that are generated automatically to enable management of object instance data in the persistent storage structure." Claim 26 further claims, inter alia, "wherein the persistent storage structure is automatically configured to comprise: an access interface comprising access object classes that are generated automatically to enable management of the object instance data in the persistent storage structure." Claim 38 further claims, inter alia, "generating automatically, by the processor, an interface within a persistent storage structure, wherein the interface comprises access object classes that are generated automatically to enable management of object instance data in the persistent storage structure." Cavanaugh teaches marshaling a persistent object attribute value into a marshal buffer, updating the persistent object attribute value while in the marshal buffer, unmarshaling the updated persistent object attribute value from the marshal buffer, and writing the updated persistent object attribute value to a data store (see Abstract). Cavanaugh does not teach or suggest "generating automatically, by the processor, an interface within the persistent storage structure, wherein the interface comprises access object classes that are generated automatically Bannon teaches an object-oriented database (OODB) for providing long-term storage and retrieval of objects created by application programs written at least in part in object-oriented programming languages (see col. 5, lines 39-45). Bannon does not teach or suggest "generating automatically, by the processor, an interface within the persistent storage structure, wherein the interface comprises access object classes that are generated automatically by the processor to enable management of object instance data in the persistent storage structure" (emphasis added) as claimed in Claim 1 and essentially as claimed in Claims 15, 26 and 38. As stated in the previous response. Examiner submits that Initially examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Moreover the "Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in art." In re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981).